

CLAIM 18 (ORIGINAL). A medical testing method in accordance with claim 1,
comprising:

providing multimedia interface means at said apparatus; and

utilizing said multimedia interface means to communicate test instruction information to
said subject.

CLAIM 19 (ORIGINAL). A medical testing method in accordance with claim 18,
comprising:

receiving said test instruction information via the Internet.

CLAIM 20 (ORIGINAL). A medical testing method in accordance with claim 18,
comprising:

receiving said test instruction information from a central server coupled to the Internet.

REMARKS

Claims 1 through 20 are in the application as filed.

Claims 1-20 stand rejected under 35 U.S.C. 102(e) as anticipated by the Alleckson et al
patent.

Claim 1 has been amended to include the limitations of Claims 2 and 3.

Claim 1 now recites, inter alia, "uploading said test measurement data via the Internet
to a location remote from said subject; providing a server at said remote location; processing
said test measurement data at said central server to produce processed data; downloading

said processed data from said server to said apparatus, and displaying said processed data at said apparatus.

The Examiner with reference to his rejections of claims 1-3 states that Alleckson et al teaches "processing the information at the central server (col. 10, lines 30-33)."

It is respectfully submitted that the Alleckson et al reference does not teach processing "test measurement data" at the central server "to produce processed data" as set forth in amended Claim 1. The portion of the Alleckson et al disclosure that the Examiner points to in support of his basis for rejection states:

"The data management center 106 includes a computer (server) 130 which **manages and controls the flow of measurement data information** it receives from the hub 114." (emphasis added).

At no place does Alleckson make any disclosure or suggestion that test measurement data is processed at the central server to produce processed data. At no place in Alleckson is there any disclosure or suggestion that server processed data is downloaded to the patient apparatus and displayed at the patient apparatus. This is further evident from a reading of Alleckson where it becomes apparent that the various apparatus or measurement units that are contemplated for use by Alleckson are of a nature that the data produced is directly a human understandable measurement, e.g., weight in pounds, blood pressure and the like. Processing of test measurement data is not even suggested by Alleckson et al because the measurement devices are of a conventional nature and produce readable outputs. It is not contemplated by Alleckson et al that unprocessed measurement data obtained directly from sensors is transmitted to the central server.

The Examiner also states that Alleckson teaches “downloading processed data from the server to the apparatus (col 15, lines 41-54)...” However, as pointed out above, Alleckson does not disclose, teach or even suggest processing test measurement data to produce processed data. The cited passage at col. 15 does not teach or suggest processing test measurement data nor downloading processed data that is the result of processing test measurement data.

Accordingly, Alleckson et al does not show, teach or make obvious Applicant’s novel invention as set forth in Claim 1.

The remaining claims 4-20 all depend from Claim 1, and for the same reason that Claim 1 is not shown, taught or made obvious by Alleckson et al, Claims 4-20 are not shown, taught or made obvious by Alleckson et al.

In addition, claim 4 recites, inter alia: “downloading said processed data via the Internet”. As pointed out above, the server of Alleckson et al does not process data. Since the server does not process test measurement data to produces processed data, Alleckson fails to disclose or event suggest “downloading” “said processed data”.

Accordingly, for this additional reason, Claim 4 is not shown, taught or made obvious by Alleckson et al.

With respect to Claims 5-7, the Examiner again treats Alleckson et al as teaching producing processed data that is transmitted to second apparatus via the Internet and cites fig. 3 as providing support. However, as pointed out above, Alleckson et al does not teach processing test measurement data at the server to produce processed data. Accordingly, Alleckson et al does not teach transmitting “processed data” to second apparatus.

For this additional reason, Claims 5-7 are not shown, taught, suggested or made obvious by Alleckson et al.

With respect to claims 8-9, the Examiner states that "Alleckson et al teaches storing the processed data in a database." The Examiner cites a passage in Alleckson in support of this contention. However, the cited passage does not speak to databases or processed data and therefore does not support the Examiner's contention. In addition, since Alleckson at place teaches producing "processed data" at the server, there is no "processed data" in the system of Alleckson to store.

Accordingly, for this additional reason, Claims 8-9 are not shown, taught or made obvious by Alleckson et al.

With respect to Claims 10-11, the Examiner states that Alleckson et al "teaches analyzing data measurement history at different times with a program (col. 5, lines 48-57)."

Claim 10, recites, inter alia, "storing additional processed data for said subject in said database." The Examiner's statement is apparently meant to imply that data is stored in Alleckson. Once again it is pointed out that Alleckson does not teach producing or storing "processed data".

Claim 11 recites, inter alia, "automatically storing processed data for test measurement data obtained at different times for said subject as said additional processed data." Again, Alleckson is silent on producing "processed data" by processing test measurement data. a

Accordingly, for these additional reasons, Claims 10 and 11 are not shown, taught or made obvious by Aleckson et al.

Claims 12-17 are likewise specific to the use of processed data produced by a server. As with Claim 1, claims 12-17 are not shown, taught or made obvious by Alleckson et al.

Claims 18-20 include, inter alia, "utilizing said multimedia interface means to communicate test instruction information to said subject." The Examiner states that Alleksos et al "teaches

providing multimedia means at the apparatus, using the interface to communicate test instruction to the subject, and receiving the test information via the Internet (col. 9, lines 33+).”

It is respectfully submitted that Alleckson is absolutely silent on utilizing a multimedia interface to communicate test instructions. The cited passage states that the various measurement units are automatic. There is no indication that any test instructions are provided from the server to multimedia apparatus.

Accordingly, for this additional reason, claims 18-20 are not shown, taught or made obvious by Alleckson et al.

Accordingly, none of the claims in the application are shown, taught or made obvious by Alleckson et al.

In view of the foregoing amendment and comments, it is believed that all the claims presently in the application are in condition for allowance. Reexamination and reconsideration are requested. It is further requested that the claims be allowed and that this application be passed to issue. An early notice of allowance would be appreciated.

Respectfully submitted,

DONALD J. LENKSZUS, P.C.

Dated: May 3, 2003

By: 

DONALD J. LENKSZUS, Reg. No.28,096
P. O. BOX 3064
CAREFREE, AZ 85377
Telephone: (602) 463-2010

INVENTOR: McBride et al
TITLE: MEDICAL TESTING AND METHOD

attorney docket: CARDIOBEAT-1

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document (and any as referred to as being attached or enclosed) is being mailed by Express Mail No. **ET212466210US** to MS Amendment, Commissioner for Patents, PO BOX 1450, Alexandria, VA 22313-1450 on **MAY 5**, 2003..

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


DONALD J. LENKSZUS, REG. NO. 28,096